



SO ORDERED.

SIGNED this 3 day of January, 2019.

Stephani W. Humrickhouse

**Stephani W. Humrickhouse
United States Bankruptcy Judge**

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
WILMINGTON DIVISION**

IN RE:

WAYNE BAILEY, INC.

CASE NO: 18-00284-5-SWH

DEBTOR.

CHAPTER 11

**ORDER TO SHOW CAUSE
(PACA Distributions)**

On December 21, 2018, the Debtor filed an Accounting of Funds which indicated that the sum of \$717,757.76 was disbursed to six creditors holding allowed PACA claims (“the Designated PACA Claimants”) between October 3, 2018 and November 20, 2018. The propriety of those distributions pursuant to the First Amended Plan of Reorganization confirmed by the court on October 2, 2018 is in dispute.

Therefore, it is ORDERED that the following creditors show cause why they should not be required to return their respective distributions to the Debtor to be held in trust pending full payment of allowed PACA claims or a determination that full payment of such claims is not achievable, and in which case, a pro rata distribution can be made.

Battleboro Produce, Inc.	\$ 77,962.00
Boyette Brothers Produce, LLC	7,677.13
Carmicheal Farms	71,800.00
Castellini Company	125,000.00
Southern Produce Dist., Inc.	317,565.63
Spring Acres	117,753.00

FURTHER ORDERED that written responses to this Order to Show Cause shall be filed by January 25, 2019.

FURTHER ORDERED that the Clerk shall serve a copy of this Order on the Designated PACA Claimants. In the event that any such Designated PACA Claimants or its counsel has filed a Notice of Disinterestedness, such notice shall be vacated and any service on such Designated PACA Claimants shall continue until the court directs otherwise.

FURTHER ORDERED that a hearing on this Order to Show Cause shall be held at a date and time to be determined by the Court.

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